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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,572	12/05/2003	Ian Zenoni	2050.100US1	8936
44367 7590 02/21/2008 SCHWEGMAN, LUNDBERG & WOESSNER/OPEN TV P.O. BOX 2938 MINNEAPOLIS, MN 55402-0938			EXAMINER SCHNURR, JOHN R	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 02/21/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/728,572	Applicant(s) ZENONI, IAN	
	Examiner John R. Schnurr	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to Application No. 10/728,572 filed 12/05/2003.

Claims 1-10 are pending and have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **1-6, 9 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Su (US Patent Application Publication 2002/0199190)** in view of **Barbier et al. (US Patent Application Publication 2004/0060068)**, herein Barbier.

Consider **claim 1**, Su clearly teaches a method for sending interactive textual and graphical data from a content provider to a user's set-top box through a satellite broadcast system comprising:

sending said textual data and said graphical data from said content provider to a server that is located in an uplink center; (**Fig. 4: Content from Services 200, including text and graphic images, are transmitted to H20 248, which may transmit the data via satellite, [0034], [0006] and [0007].**)

converting said textual data into OpenTV data and converting said graphical data into MPEG data by using an application streamer that is coupled to said server and that retrieves said textual data and said graphical data from said server; (**Fig. 4: H20 248 converts the content into client readable content, [0034]. The images are transcoded into MPEG data, [0022], and the text is converted into OpenTV data, [0046].**)

using said application streamer to create a file directory structure based on said textual data; (**Carousel manager 254 provides management of a carousel directory, [0043].**)

using said application streamer to create a node tree on a broadcast streamer by mirroring said file directory structure;
mapping nodes in said node tree to files in said file directory structure; **(A node tree is created and filled with the content, [0026].)**

using said broadcast streamer to multiplex said OpenTV data and said MPEG data with a regular broadcast stream resulting in an interactive data stream; and, sending said interactive data stream to said user's set-top box. **(Fig. 4: Open streamer 256 multiplexes the data carousel with the broadcast data for transmission to the client, [0007] and [0034].)**

However, Su does not explicitly teach allocating bandwidth and transmission frequency of said node based on priority of said node.

In an analogous art, Barbier, which discloses a system for transmitting interactive data via a carousel, clearly teaches allocating bandwidth and transmission frequency of said node based on priority of said node. **(Fig. 3: The higher priority node, carousel directory 112, is allocated more bandwidth than lower priority nodes, [0044] Su.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Su by allocating bandwidth and transmission frequency of said node based on priority of said node, as taught by Barbier, for the benefit of ensuring the client has access to high priority nodes.

Consider **claim 2**, Su combined with Barbier, as in claim 1, clearly teaches using set-top box application software to read said interactive data stream and display said interactive data stream on a user's display device; **([0022] Su)** and, monitoring said application streamer with a computer. **(Carousel manager 254 [0034] Su)**

Consider **claim 3**, Su combined with Barbier, as in claim 1, clearly teaches said step of retrieving said textual data and said graphical data from said server further comprises querying said server for new data. **(The network operator retrieves the content from services 200, [0034] Su.)**

Consider **claim 4**, Su combined with Barbier, as in claim 1, clearly teaches said step of converting said textual data into said OpenTV data and converting said graphical data into said MPEG data further comprises creating system alerts. **([0095] Su)**

Consider **claim 5**, Su combined with Barbier, as in claim 1, clearly teaches said step of creating system alerts comprises creating alerts upon detection of errors within said satellite broadcast system using SNMP traps, event logging, and visual queues in a graphical user interface. **([0039], [0040] and [0095] Su)**

Consider **claim 6**, Su combined with Barbier, as in claim 1, clearly teaches said step of monitoring said application streamer by a computer further comprises monitoring said application streamer, configuring said application streamer, making any necessary changes to said application streamer. **(Carousel manager 254 makes any changes necessary to the carousel, [0034] Su.)**

Consider **claim 9**, see claim 1.

Consider **claim 10**, see claim 2.

4. Claims **7 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Su (US Patent Application Publication 2002/0199190)** in view of **Barbier et al. (US Patent Application Publication 2004/0060068)**, as applied to claim 6 above, and further in view of **Standridge et al. (US Patent 6,618,353)**, herein Standridge.

Consider **claim 7**, Su combined with Barbier, as in claim 6, clearly teaches monitoring the application streamer.

However, Su combined with Barbier, as in claim 6, does not explicitly teach using a DCOM user interface over a network connection.

In an analogous art, Standridge, which discloses a system for distributing video data, clearly teaches using a DCOM user interface over a network connection. **(column 2 line 59 to column 3 line 14)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Su combined with Barbier by using a DCOM user interface over a network connection, as taught by Standridge, for the benefit of automatically handling the details of network communication protocols.

Consider **claim 8**, Su combined with Barbier, as in claim 7, clearly teaches said step of monitoring said application streamer further comprises monitoring the connection to said broadcast streamer, monitoring the connection to said server,

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and monitoring the status of said interactive data stream on said broadcast server. ([0039], [0040] and [0095] Su)


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Schnurr whose telephone number is (571) 270-1458. The examiner can normally be reached on Monday - Friday, 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRS


CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600